

## 93. PUBLIC TRANSPORTATION

93.01. License and Franchise Required. Subdivision 1. Except as provided in Subdivision 3, no person shall engage in a public transportation business unless a) the vehicle and driver are licensed by the City; and b) the operation of the public transportation business occurs pursuant to and in compliance with the terms and conditions of a franchise ordinance adopted by the Common Council.

Subd. 2. For purposes of this Chapter, a person engages in a public transportation business whenever a person performs all of the following:

- A. operates a vehicle that can be used for the transportation of persons or property upon or over a public street, alley or public right-of-way;
- B. operates only on fixed routes. A "fixed route" is a description of those places where persons are to be picked up and those places where persons are to be dropped off;
- C. solicits, suggests or otherwise advertises in any way the availability of the business for the transportation of the public; and
- D. charges a fee for the transportation of persons or property.

Subd. 3. A person licensed as an automobile lessor by the Commissioner of Public Safety pursuant to Minnesota Statutes, Section 168.27 and who, incidental to such business, occasionally offers public transportation service to the public is exempt from the license and franchise requirements of this chapter.

93.02. Granting of Franchises. A franchise to operate vehicles upon and over the streets, alleys or public ways of the city for the purposes set forth in 93.01 may be granted by the Common Council in the manner provided by the charter. Each ordinance granting a franchise shall contain all the terms and conditions of the franchise so granted. However, the Council may not grant a franchise unless there is a satisfactory showing that the public interest, convenience and necessity are furthered by the granting of the franchise.

(3733, 9/19/05)

93.03. Bond or Insurance. The terms and conditions of each franchise shall require, among other things, that before it shall become effective, the grantee shall furnish to the city for its vehicles a good and sufficient assurance in writing that such vehicles shall be operated with due care and caution for public safety. Such assurance shall consist of a good and sufficient bond, or policy of insurance, to be approved by the council and deposited with the city clerk conditioned that the holder of the franchise shall well and truly pay to the city for benefit of every judgment creditor who has been injured through the negligent operation of

such vehicles by the grantee or its employees, or will well and truly pay directly to any judgment creditor who has been injured, or whose property has been damaged, any amount or amounts of money that shall have been awarded by any court of competent jurisdiction against such grantee on account of such injury, not exceeding for bodily injury or death to any one person the sum of \$25,000 or the sum of \$50,000 for all persons injured or killed in any one accident and \$5,000 on property damage wherein the grantee is found negligent. When more than one franchise is granted for a similar use of said streets, alleys and public ways, each franchise for such similar type of operation shall contain the same terms and conditions, except that the number of vehicles to be operated under each franchise may differ.

93.04. Existing Franchises Continued. Nothing in this chapter contained shall be taken or construed as annulling, releasing or modifying the rights or privileges of others operating vehicles in intra or interstate transportation under and pursuant to franchises issued by duly constituted authority.

93.05. Licenses Subdivision 1. Every year a public transportation business must receive from the City a license for each vehicle and person used in the business. License application must be made to the City Clerk. The Council must approve an application if it complies with subdivision 2 of this section. Each license issued must expire as of December 31 of that year.

Subd. 2. A license application must include: (a) a completed license application form; (b) a description of the fixed route upon which the public transportation business operates; (c) a schedule of fees the applicant intends to charge for the transportation of persons or property; (d) the payment of a license fee of \$120.00 per year or a fraction thereof for each vehicle used in the public transportation business; and (e) such information as required by the City Clerk in order to show that the applicant is capable of providing the contemplated transportation services and has not been convicted of any federal or state law, or city ordinance, that would adversely impact the applicant's ability to provide the contemplated transportation services.

Subd. 3. If the public transportation business licensee/franchisee makes any change to: (a) the fixed route upon which the public transportation business operates; or (b) the schedule of fees the applicant intends to charge for the transportation of persons or property, the licensee/franchisee must give written notice of the change to the City Clerk at least 90 days prior to the effective date of the change.

(3733, 9/19/05)

93.055. Revocation or Suspension of License or Franchise. Subdivision 1. Whenever it appears to the Common Council that adequate grounds may exist for the suspension or revocation of any license or franchise issued pursuant to this chapter, the Council must adopt a resolution indicating the nature of the allegations made against the licensee or franchisee and scheduling a public hearing to consider the matter. No suspension or revocation will be effective until the licensee or franchisee has been

afforded an opportunity to be heard at a public hearing pursuant to Minnesota Statutes, Sections 14.57 to 14.70.

Subd. 2. The Council may suspend or revoke any license or franchise issued pursuant to this chapter if the Council finds any of the following facts to exist:

- A. The licensee or franchisee has violated any federal or state law, or city ordinance in conducting its public transportation business.
- B. The licensee or franchisee has submitted false information during the license or franchise application process.
- C. The licensee or franchisee has failed to comply with its stated fixed route of operations as indicated by the City Clerk's records.
- D. The licensee or franchisee has been convicted of any federal or state law, or city ordinance, that would adversely impact the applicant's ability to provide the contemplated transportation services.

Subd. 3. Any person who operates a public transportation business without possessing a valid license or franchise issued pursuant to this chapter may have its right to seek a license or franchise under this chapter suspended. No suspension under this subdivision will be effective until the licensee or franchisee has been afforded an opportunity to be heard at a public hearing pursuant to Minnesota Statutes, Sections 14.57 to 14.70.

(3733, 9/19/05)

93.056. Insurance or Bond Requirements. Subdivision 1. Before any franchisee operates any vehicle, it must secure and maintain during the franchise's term a liability insurance policy covering each vehicle operated. The policy must have coverage limits not less than \$100,000.00 for bodily injury to any one person and not less than \$300,000.00 for injuries to more than one person sustained in the same accident, and not less than \$50,000.00 for property damage resulting from any one accident. This policy must inure to the benefit of any person who shall be injured or who shall sustain damage to property as the result of the negligence of the franchisee, its servant or agents. A copy of this policy or a certificate of insurance must be filed with the city clerk. The franchisee's insurer must be authorized to do business in Minnesota.

Subd. 2. In lieu of subdivision 1, a franchisee may file an indemnity bond issued by a surety authorized to do business in Minnesota. The bond must conform to the requirements of subdivision 1 and must be approved by the council.

93.057. Inspection and Sanitation of Vehicles. Subdivision 1. Before the initial use and operation of any vehicle under the authority of a franchise, the vehicle must

be thoroughly examined and inspected by the police department and found to comply with all standards of safety prescribed by the laws of the state or city. When the police department determines that a vehicle proposed to be used as a public transportation vehicle has met the standards of safety prescribed by law, the department must notify the city clerk of its determination. In response, the city clerk must issue a license for the vehicle if the franchisee has complied with this chapter.

Subd. 2. From time to time, and at least annually, the police department must inspect every vehicle operated under the authority of a franchise. The operation of any vehicle that fails to meet the standards of safety established by law must be discontinued until such time as the deficiency is eliminated.

Subd. 3. The interior and exterior of every vehicle operated under the authority of a franchise must be kept in a clean and sanitary condition.

93.06. Franchise Granted. A public transportation franchise is granted to Ambassador Limousine Service, Inc., to provide public transportation services within the City for a period ending July 31, 1988, subject to the terms and conditions of this code, including the provisions of Chapter 97 of this code as they pertain to the operation, maintenance, and documentation of vehicles operated by a franchise holder.

93.07 Franchise Granted. A public transportation franchise is granted to Unique Limousine, Inc., to provide public transportation services within the City for a period ending December 31, 1990, subject to the terms and conditions of this code, including the provisions of Chapter 97 of this code as they pertain to the operation, maintenance, and documentation of the vehicles operated by a franchise holder.

93.08 Franchise Granted. A public transportation franchise is granted to Arab Community Services to provide public transportation services within the City for a period ending December 31, 2004, subject to the terms and conditions of this Code, including the provisions of Chapter 97 of this Code as they pertain to the operation, maintenance and documentation of the vehicles operated by a franchise holder.

93.09 Franchise Granted. A public transportation franchise is granted to Abukar Hirabe d/b/a Bakar Transportation of Rochester to provide public transportation services within the City for a period ending December 31, 2005, subject to the terms and conditions of this Code, including the provisions of Chapter 97 of this Code as they pertain to the operation, maintenance and documentation of the vehicles operated by a franchise holder.

93.10 Franchise Granted. A public transportation franchise is granted to Abubakar Bashir Elkhailifa d/b/a Ambassador Limousine to provide public transportation services within the City for a period ending December 31, 2005, subject to the terms and conditions of this Code, including the provisions of Chapter 97 of this

Code as they pertain to the operation, maintenance and documentation of the vehicles operated by a franchise holder.

93.11. Franchise Granted. A public transportation franchise is granted to Lagnaf, Inc., d/b/a Rochester Express Airport Shuttle, Inc., to provide public transportation services within the City for a period ending December 31, 2005, subject to the terms and conditions of this Code, including the provisions of Chapter 97 of this Code as they pertain to the operation, maintenance and documentation of the vehicles operated by a franchise holder.

93.12. Franchise Granted. A public transportation franchise is granted to MLP Companies, Inc., d/b/a The Bar Hopper to provide public transportation services within the City for a period ending December 31, 2008, subject to the terms and conditions of this Code, including the provisions of Chapter 97 of this Code as they pertain to the operation, maintenance and documentation of the vehicles operated by a franchise holder.

93.14. Franchise Granted. A public transportation franchise is granted to Mohamed Hussein Salah d/b/a Hirale to provide public transportation services within the City for a period beginning September 1, 2006, and ending December 31, 2009, subject to the terms and conditions of this Code, including the provisions of Chapter 93 of this Code as they pertain to the operation, maintenance and documentation of the vehicles operated by a franchise holder.

93.15. Franchise Granted. A public transportation franchise is granted to Donald H. Fay d/b/a Don's Horse Drawn Trolley Service to provide public transportation services within the City for a period beginning May 1, 2007, and ending December 31, 2010, subject to the terms and conditions of this Code, including the provisions of Chapter 93 of this Code as they pertain to the operation, maintenance and documentation of the vehicles operated by a franchise holder.

93.16. Franchise Granted. A public transportation franchise is granted to The Rochester Tour Company, LLC, to provide public transportation services within the City for a period beginning July 23, 2007, and ending December 31, 2010, subject to the terms and conditions of this Code, including the provisions of Chapter 93 of this Code as they pertain to the operation, maintenance and documentation of the vehicles operated by a franchise holder. (3832, 9/17/07)

(653, 4/18/47; 2038, 4/16/79; 2193, 6/2/81; 2563, 8/3/87; 2564, 8/3/87; 2619, 3/6/89; 3408, 8/6/01; 3440, 1/24/02; 3459, 3/13/02; 3523, 11/4/02; 3544, 4/21/03; 3733, 9/19/05; 3743,

11/21/05; 3786, 9/6/06; 3812, 4/2/07; 3822, 6/18/07; 3832, 9/17/07)